



Administrative Regulation

Employee & Labor Relations

Policy #	03-01.01
Effective Date:	May 23, 2017
Revision Date:	March 28, 2022
Owner:	Human Resources

Purpose:

It is the objective of the City to establish an employee & labor relations policy and guiding principles at the City of Springfield.

Scope:

This regulation applies to all employees.

Policy:

The foundation of *employee relations* is consistency, credibility, and fairness. To make this policy work for the benefit of the employees, the unions and management, the following personnel practices must be followed and administered:

- The City shall maintain management's right to manage, and no department will establish practices without prior approval from the Human Resources Director that will affect Management rights.
- Managers and supervisors shall not enter into any side agreements that clarify or supplement the existing labor contract without prior approval of the Human Resources Director.
- All management and supervisory personnel of the City must be familiar with City-wide administrative regulations and the labor contract provisions that affect the employees that they supervise and they must administer those contracts fairly and consistently.
- Disciplinary policies shall be enforced in a progressive and corrective manner.
- Supervisors should respond to complaints as soon as possible.
- All management and supervisory personnel must exercise caution on a daily basis, to avoid establishing practices which may be inconsistent with prior practices.
- Document all decisions, agreements, and enforcement of the present labor agreements.

Procedure:

1. Authority

1.1. The City Manager is the Chief Administrative Officer of the City and adopts administrative regulations under the authority of Sections 21 and 25 of the Springfield Charter in addition to the Springfield Municipal Code and other City ordinances and resolutions.

1.2. The City Manager delegates the overall administration of administrative regulations to the Director of Human Resources.

2. Amendments

2.1. New administrative regulations or amendments may be adopted at any time and become effective upon adoption, unless otherwise specified. Guidelines attached to any of the regulations are not subject to the rule's revision process. Amendments or additional administrative regulations will be developed by the Director of Human Resources and/or the applicable executive team member and shall be approved by the City Manager.

2.2. The City Manager authorizes the Human Resource Director to modify the history and resources sections and header, footer, and numbering without reauthorization. In addition, the Human Resources Director may also make the following changes without reauthorization: renumber sections and parts of sections of these regulations; rearrange sections; substitute the proper numbers; strike repetitive figures or words; change capitalization and correct clerical or typographical errors. The administrative regulation remains in effect should any of these types of revisions occur.

3. Department Policies

3.1. Departmental policies serve as supplements to these administrative regulations. In the event of conflict between departmental regulation/policy and administrative regulation, the administrative regulation will prevail.

4. Interpretation of Regulation

4.1. The City Manager has delegated to the Director of Human Resources the authority for the interpretation and application of administrative regulations.

5. Application of Rules

5.1. Any personnel action taken prior to the official adoption of a new or amended administrative regulation will be governed by the rules in effect at the time of the action.

6. Collective Bargaining Agreements

- 6.1. In instances where administrative regulations conflict with provisions of represented employees' *collective bargaining* agreements or more stringent Federal, state or local laws, the provisions of the collective bargaining agreement or the applicable federal state or local law shall prevail. In other cases, administrative regulations will apply.

7. Employee Expectations

- 7.1. Employees are expected to read and comply with all provisions of administrative regulations and/or their collective bargaining agreements and are encouraged to contact their union representatives or Human Resources if they have any questions about anything in the regulations.
- 7.2. Any person violating an administrative regulation may be subject to discipline up to and including termination of employment.

8. Representatives

- 8.1. Executive Team members are responsible for administering the provisions of administrative regulations within their department(s) and for delegating appropriate authority to managers and supervisors.

9. Applicability

- 9.1. Elected or appointed officials, volunteers and appointive offices as defined in the Springfield Charter such as the City Manager, City Attorney and Municipal Judges are exempt from these administrative regulations unless specifically noted.

10. Unfair Labor Practices

- 10.1. It is an unfair labor practice for a public employer or its *designated representatives* to do any of the following:
 - 10.1.1. Interfere with, restrain or coerce employees in or because of the exercise of the right to form, join, and participate in activities of labor organizations of their own choosing for the purpose of representation and collective bargaining with the City on matters concerning employment relations.
 - 10.1.2. Dominate, interfere with or assist in the formation, existence or administration of any employee organization.
 - 10.1.3. Discriminate in regard to hiring, tenure, or any term or condition of employment for the purpose of encouraging or discouraging membership in an employee organization.

10.1.4. Discharge or otherwise discriminate against an employee because the employee has signed or filed an affidavit, petition or complaint or has information or testimony.

10.1.5. Refuse to bargain collectively in good faith with the exclusive representative.

10.1.6. Refuse to comply with any provisions of ORS 243.650 to 243.782.

10.1.7. Violate the provisions of any written contract with respect to employment relations included an agreement to arbitrate or to accept the term of an arbitration award, where previously the parties have agreed to accept arbitration award as final and binding upon them.

10.1.8. Refuse to put into writing an agreement reached as a result of collective bargaining and to write and sign the resulting contract.

11. Severability.

11.1. If any section of these administrative regulations is held to be invalid, the invalidity of any section or part shall not affect the validity of the remainder of the documents.

Definitions

1. “*Designated Representative*” is any individual having the authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the forgoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgement.
2. “*Employee Relations*” are matters concerning direct or indirect monetary benefits, hours, vacations, sick leave, grievance procedures and other conditions of employment. For public safety personnel as defined by (ORS 243.736), employee relations includes items that have an impact on the on-the-job safety of employees or staffing levels that have a significant impact on the on-the-job safety of employees.
3. “*Collective bargaining*” means the performance of the mutual obligation of a public employer and the representative of its employees to meet at reasonable times and confer in good faith with respect to employment relations for the purpose of negotiations concerning mandatory subjects of bargaining, to meet and confer in good faith in accordance with law with respect to any dispute concerning the interpretation or application of a collective bargaining agreement, and to execute written contracts incorporating agreements that have been reached on behalf of the public employer and the employees in the bargaining unit covered by such negotiations.

Resources:

1. [Chapter 243 – Public Employee Rights and Benefits](#)
2. [City of Springfield Charter](#)
3. [Springfield Labor Contracts](#)

CREATION (Original):

This administrative regulation is in effect as of the date of my signature. I authorize the Human Resource Director to modify the history and resources sections and header, footer, and numbering without my reauthorization. The administrative regulation remains in effect should these revisions occur.			
Approved By:	Gino Grimaldi, City Manager	Dates:	May 23, 2017
Author:	Chaim Hertz, Director of Human Resources		
Responsible Party:	Human Resources		
Replaces:	N/A		

PERIODIC REVIEW:

Reviewer:		Date:	
Reviewer:		Date:	
Reviewer:		Date:	
Reviewer:		Date:	
Reviewer:		Date:	

REVISIONS:

Version #2:	Responsible Party:	Human Resource		
	Revised By:	Chaim Hertz, Director of Human Resources		
	Approved By:	Nancy Newton, City Manager	Date:	March 23, 2022
	Reason/Summary of Changes:	Previously titled as "General Provisions". Added Rule 13 of the Personnel and Policy and Procedural Manual and added a new preception 10 under procedures related to "Unfair Labor Practices."		